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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,771	11/12/2003	Patrick John Osborne	58644-0005	4367

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WASHINGTON, DC 20004

EXAMINER

LEWIS, ALICIA M

ART UNIT PAPER NUMBER

2164

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/705,771

Applicant(s)

OSBORNE ET AL.

Examiner

Alicia M. Lewis

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: network 200. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1, 2, 7, 8, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Lowensohn et al. (US Patent Application Publication 2004/0230809 A1) ('Lowensohn').

With respect to claims 1, 7 and 13, Lowensohn teaches:

input means for accepting the biometric data (paragraph 123 lines 1-3);

quality check means for verifying that the biometric data conforms to a submission standard (paragraph 129 lines 1-3 and 13-18);

communication means for sending the verified biometric data for processing and for accepting processing results (paragraphs 124 and 125); and

database means for storing the verified biometric data and the processing results (element 510 in Figure 5, paragraph 126 lines 1-4, paragraph 220 lines 1-5).

With respect to claims 2, 8 and 14, Lowensohn teaches further comprising an output means for displaying data corresponding to the verified biometric data and the processing results (paragraph 128 lines 1-3).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5, 9-11 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowensohn et al. (US Patent Application Publication 2004/0230809 A1) ('Lowensohn') in view of Engelhart (US Patent Application Publication 2005/0182717 A1).

With respect to claims 3, 9 and 15, Lowensohn teaches claims 1, 7 and 13, and processing of biometric data.

Lowensohn does not expressly teach billing means for monitoring submissions and processing of said biometric data and for associating charges with said submissions and processing.

Engelhart teaches secure online purchasing (see abstract), in which he teaches billing means for monitoring submissions and processing of data and for associating charges with said submissions and processing (paragraph 20, paragraph 21 lines 1-5, paragraph 22).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lowensohn by the teaching of Engelhart because billing means for monitoring submissions and processing of data and for associating charges with said submissions and processing would enable Lowensohn's system the enhanced capability to securely purchase goods and services (Engelhart, paragraph 3 lines 1-3).

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With respect to claims 4, 10 and 16, Lowensohn as modified teaches wherein said communication means sends the biometric data for processing after the billing means detects a sufficient balance for an associated submitter to pay for said charges (Engelhart, paragraph 22 lines 7-14).

With respect to claims 5, 11 and 17, Lowensohn as modified teaches:

electronic data acceptance means for receiving and accepting electronically stored biometric data (Engelhart, paragraph 38 lines 5-19); and

physical data acceptance means for receiving physical biometric data and for converting said physical data to an electronic format for storage in said database means (Lowensohn, paragraph 38 lines 12-13, paragraph 123 lines 1-3).

Engelhart discloses that the biometric data from the phone scan are electronically received and accepted by the vendor computer system, as shown in Figure 8.

6. Claims 6, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowensohn et al. (US Patent Application Publication 2004/0230809 A1) ('Lowensohn') in view of McClurg et al. (US Patent 6,886,104 B1) ('McClurg').

With respect to claims 6, 12 and 18, Lowensohn teaches claims 1, 7 and 13.

Lowensohn does not teach whereby said submission standard is Electronic Fingerprint Transmission Specification (EFTS).

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McClurg teaches a rechargeable mobile hand-held fingerprint scanner with a data and power communication interface (see abstract), in which he teaches whereby said submission standard is Electronic Fingerprint Transmission Specification (EFTS) (column 6 lines 39-40 and 47-49).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lowensohn by the teaching of McClurg because whereby said submission standard is Electronic Fingerprint Transmission Specification (EFTS) would enable better quality fingerprints (McClurg, column 6 lines 39-40 and 47-49).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Lewis  
April 6, 2006



**SAM RIMELL**  
PRIMARY EXAMINER